

SENATE BILL 1219

By Norris

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 10, Part 4, relative to alcoholic beverage
containers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-416, is amended by deleting the section in its entirety and substituting instead the following:

(a) It is an offense for a person in a motor vehicle that is being operated in this state to:

(1) Consume an alcoholic beverage in the passenger area of the motor vehicle; or

(2) Knowingly possess in the passenger area of the motor vehicle an alcoholic beverage container that:

(A) Is open;

(B) Has a broken seal; or

(C) The contents of which are partially removed.

(b) Subsection (a) shall not apply if:

(1) A passenger consumes an alcoholic beverage or possesses an alcoholic beverage container:

(A) In the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) In the living quarters of a motor home, truck camper, house trailer, or other similar recreational vehicle; or

(2) The container is located:

(A) In a closed and locked glove compartment; or

(B) If the motor vehicle is not equipped with a trunk, in the area behind the last upright seat or in an area not normally occupied by a person.

(c) A violation of this section is a Class C misdemeanor, punishable by fine only.

(d) For purposes of this section:

(1) "Alcoholic beverage" means any alcoholic beverage as defined in § 55-50-102;

(2) "Alcoholic beverage container" means any bottle, can, or other receptacle that contains any amount of alcoholic beverage;

(3) "Operated" means located on a public highway or the right-of-way of a public highway, regardless if the motor vehicle is moving; and

(4) "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions.

SECTION 2. This act shall take effect on July 1, 2017, the public welfare requiring it.